

REMARKS

The Office Action of July 16, 2003, has been received and reviewed. Claims 26-37 are pending and all pending claims stand rejected. Claims 26-36 have been amended, claim 37 has been cancelled and claim 38 has been added as set forth herein. All amendments and cancellations are made without prejudice or disclaimer. Reconsideration is respectfully requested.

Objections to the Claims

Claim 26 was objected to since it was thought that the phrase “animal having a genome, the genome comprising” was redundant. As suggested by the Examiner, claim 26 has been amended to recite in part “animal whose genome comprises.” Withdrawal of the objection is requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 26-36 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking enablement for “a transgenic mammalian farm animal whose genome comprises a recombinant nucleic acid encoding a pIgR, wherein said protein is capable of transporting a polymeric immunoglobulin protein across the basolateral side of an epithelial cell’s apical side.” (Office Action of July 16, 2003, page 3). Applicants respectfully traverse the rejections as hereinafter set forth.

Although applicants do not agree that any of the claims lack enablement, to expedite prosecution, claim 26 has been amended to reflect the enabled subject matter as indicated in the Office Action. (*See, Id.* at pages 2-3).

Accordingly, reconsideration and withdrawal of the enablement rejections of claims 26-36 are requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 26-37

Claims 26-37 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite. Claim 37 has been cancelled rendering the rejection thereof moot. Applicants respectfully traverse the rejections as hereinafter set forth.

Specifically, it was thought that the phrase “transgenic mammalian farm animal” was indefinite. Although applicants do not agree that the phrase is indefinite, to expedite prosecution, the phrase has been amended to recite “transgenic, non-human mammalian animal” in accordance with the suggestion of the Examiner.

Reconsideration and withdrawal of the indefiniteness rejections of claims 26-37 are, thus, requested.

Claim 26-29 and 30

Claims 26-29 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being incomplete for omitting essential steps. Applicants respectfully traverse the rejections as hereinafter set forth.

Claims 26 and 30 have been amended in accordance with the suggestions of the Examiner. (*See, Id.* at page 10).

Accordingly, reconsideration and withdrawal of the rejections of claims 26-29 and 30 are requested.

Claims 35 and 36

Claims 35 and 36 were rejected under 35 U.S.C. § 112, second paragraph, as assertedly lacking antecedent basis. At least partially in view of the amendments to claims 35 and 36, applicants respectfully traverse the rejections.

Claims 35 and 36 have been amended to depend from claim 32 rather than claim 31. Since claim 32 includes the element of “collecting milk,” antecedent basis for claims 35 and 36 exists.

Reconsideration and withdrawal of the rejections of claims 35 and 36 are requested.

Rejections under 35 U.S.C. § 101

Claims 26-37 stand rejected under 35 U.S.C. § 101 as assertedly being directed to non-statutory subject matter. Applicants respectfully traverse the rejections as hereinafter set forth.

Although applicants do not agree that the claims are directed to non-statutory subject matter, the term "non-human" has been added to the claims in accordance with the suggestion of the Examiner. Further, the term "farm" has been removed from the claims since the Examiner determined that the term "farm" did not lend patentability to the claim.

Reconsideration and withdrawal of the rejections of claims 26-37 as being directed to non-statutory subject matter are requested.

CONCLUSION

In view of the proposed amendments and remarks, applicants respectfully submit that the amended claims define patentable subject matter. If questions should remain after consideration of the foregoing, the Examiner is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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